IE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Kotani, et al.

Serial No.

10/564,311

Filed:

January 11, 2006

METHOD OF EVALUATING COMPOUND

**EFFICACIOUS IN TREATING OBESITY** 

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Art Unit: 1645

Examiner:

Not Yet Assigned

## INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

Sir:

- 1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
- 2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
- 3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
- Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

**RELATED APPLICATION** 

**MERCK CASE** 

**FILING DATE** 

## INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

U. S. SERIAL NUMBER

If th	is is inconvenient, additional copies will be submitted upon request		
6	5. In accordance with 37 C.F.R. 1.97, (check one)		
	the attached information is filed within three months of the filing da	te of the captioned case.	
$\checkmark$	the attached information is filed more than three months after the f Office Action on the merits.	iling date but prior to the ma	ailing of a first
	the attached information is filed before the mailing of a first Office a examination under §1.114.	action after the filing of a re	quest for continued
	the attached information is being filed more than three months after Office Action on the merits, but before the mailing date of a Final A otherwise closes prosecution in the application. The enclosed auth Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).	ction, Notice of Allowance,	or an action that
	each item of information contained in this Information Disclosure S from a foreign patent office in a counterpart foreign application not Statement.		
	each item of information contained in the information disclosure start a foreign patent office in a counterpart application and this communication designated in §1.56(c) more than thirty days prior to the filing of the	nication was not received b	y any individual
	no item of information contained in this Information Disclosure Stat foreign patent office in a counterpart foreign application, and, to the after making reasonable inquiry, was known to any individual design on the filing of this Statement.	e knowledge of the person	signing the certification
		Respectfully submitted,	

Rahway, N.J. 07065-0907 (732)594-0238

\_ For Applicant(s)

Date: March 22, 2007

By: Heidi M. Stuse
Attorney Fo

Reg. No. 50,288 MERCK & CO., INC. Patent Dept., RY60-30

P.O. Box 2000

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_	I	NFORMATION 1	DIS	CLOSURE	Application Number	10/564,311	
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	Sheet	1	of	2	Attorney Docket Number	BY0027P	
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U.S. PATENT DOCUMENTS							
Examiner Initials*	Cite No.	ite U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY		
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	FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.	Office		n Patent Document Number	Kind Code	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document		
	1	wo	02/44320		if known)	Vanan Canatias Inc	MM-DD-YYYY		
	-	WO	02/44320		A2	Xenon Genetics, Inc.	06/06/2002		
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<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

81	Substitute for form 1449B/PTO		COMPLETE IF KNOWN			
	NFORMATION 1	DIS	CLOSURE	Application Number	10/564,311	
C	OF A OPERATE NOTE IDAZ	AD	DI ICANT	Filing Date	January 11, 2006	
3	TATEMENT BY	AP	PLICANI	First Named Inventor	Kotani, et al.	
				Group Art Unit	1645	
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Sheet	2	of	2	Attorney Docket Number	ВҮ0027Р	

	NON PATENT LITERATURE DOCUMENTS						
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.					
	2	Moon, Y., et al., "Identification of a Mammalian Long Chaing Fatty Acyl Elongase Regulated by Sterol Regulatory element-binding Proteins", The Journal of Biological Chemistry, Vol., 276, No. 30, pp. 45358-45366 (2001)					
	3	Suneja, S. K., et al., "Enzyme Site-Specific Changes in Hepatic Microsomal Fatty Acid Chain Elongation in Streptozotocin-Induced Diabetic Rats", Biochimica et Biophysica Acta, Vol. 1042, pp. 81-85 (1990)					
	4	Matsuzaka, T., et al., "Cloning and Characterization of a Mammalian Fatty cyl-CoA Elongase as a Lipogenic Enzyme Regulated by SREBPs", Journal of Lipid Research, Vol. 43, pp. 911-920 (2002)					
	5	Elbashir, S. M., et al., "Duplexes of 21-Nucleotide RNAs Mediate RNA Interference in Cultured Mammalian Cells", Nature, Vol. 411, pp. 494-498 (2001)					
	6	Higuchi, H., et al., "Functional Inhibition of the p75 Receptor Using a Small Interfering RNA", Biochemical and Biophysical Research Communications, Vol. 301, pp. 804-809 (2003)					
	7	Harborth, J., et al., "Identification of Essential Genes in Cultured Mammalian Cells Using Small Interfering RNAs", Journal of Cell Science, Vol. 114, pp. 4557-4565 (2001)					

Examiner Signature	Date Considered	

<sup>\*</sup>Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.